

## Appendix Q: Copies of Relay Newsletters

## **Appendix Q**

Relay Nevada does not currently produce a newsletter. Our outreach campaign includes advertisements which can be viewed and heard by visiting our website at:

[www.relaynevada.com](http://www.relaynevada.com)



## AGENDA - REVISED

### COMMUNICATION ACCESS COUNCIL

August 25<sup>th</sup>, 2007

9:30 a.m. start time

Mid-day break may be taken at the discretion of the Chair

**Sierra Regional Center**

605 South 21st Street

Sparks, NV 89431-5599

(775) 688-1930

1. Welcome/Introductions- Jana Vickers  
Members will introduce themselves. The public will be invited to introduce themselves.
2. Approval of Minutes for April 2007 Meeting\* Jana Vickers
3. Chairman's Report- Jana Vickers  
The Council Chair will update the Council regarding Deaf & Hard of Hearing Advocacy Resource Center's (DHHARC) goals and objectives for Program services for Fiscal Year '08 (July 1, 2007 – June 30, 2008).
4. Coordinator's Report- Betty Hammond
  - a. The Council will review, comment and vote on changes to the groups organization, policies and procedures document which will outline the new changes due to SB473. \*
  - b. The Council will hear changes in the interpreter/CART laws (NRS 656A) as described in SB473. Ms. Hammond will speak to the Council regarding the development of an Interpreter/CART registry and will hear feedback from the Council regarding the elements they would like to see put on the upcoming website. \*
  - c. Ms. Hammond will welcome new members to the CAC
  - d. Ms. Hammond will speak with the Council regarding the percentage of CapTel users who use captions and discuss options for consumer and community training to increase the percentage of actual caption usage.
5. Relay Nevada Report- Todd Bader of Sprint
  - a. Sprint will inform the council regarding numbers of calls related to Relay Services.
  - b. Sprint will discuss outreach activities for Relay Nevada for the year.
  - c. Sprint will show outreach materials to the Council and get an idea of what materials the Council would like to see used in outreach

d. Sprint will discuss IP (Internet) Relay Fraud issues and how they effect the community.

6. Equipment Distribution and Advocacy Program Reports Theresa Piccinini- NVAD  
Ms. Piccinini will talk about program activities  
and outcomes in comparison to the grant objectives  
agreed to by the Office of Disability Services and the grantee, DHHARC

7. Public Comment

*No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.*

8. Adjournment\*

\* Denotes items on which action may be taken

\*\* Agenda items may be taken out of order.

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**PLEASE POST**

***Agenda Posted at the Following Locations***

DHHARC – 1800 Highway 50 E., Ste 205, Carson City 89701

DHHARC – 2881 S. Valley View #12, LV, NV 89102

Center for Independent Living - 999 Pyramid Way, Sparks, NV

Center for Independent Living – 6039 El Dora Street, Las Vegas, NV

State Library – 100 No. Stewart St., Carson City, NV

Sierra Regional Center - 605 S 21<sup>st</sup> St, Sparks, NV

***Directions To Meeting: Call ODS at: (775) 687-4452***

**Note:** We are pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Diana Peachay at (775) 687-4452/(888) 337-3839/(775) 687-3388 TTY, as soon as possible and at least two days in advance of the meeting.

**Member position**

**A. Department  
Representative  
Secretary**

**B. Member of  
NVAD**

**C. Professionally  
qualified in the  
field of Deafness**

**D. The Executive  
Director of NTA**

**E. Consumer of  
Telecommunication  
Services**

**Speech Disabled**

**F. Consumer of  
CART**

**Vice Chair**

**G. Consumer of  
Sign Language  
Services**

**H. RID Certified  
Interpreter**

**I. EIPA Interpreter**

**J. CART Provider**

**K. Educational  
Representative  
Chair**

## Appendix R: Copy of Annual Report or Other

## Appendix T: Copy of Legislation or Other Establishing TRS in the State

## CHAPTER 426 - PERSONS WITH DISABILITIES

### GENERAL PROVISIONS

<u>NRS 426.005</u>	Policy of State of Nevada.
<u>NRS 426.010</u>	Purposes of chapter.
<u>NRS 426.020</u>	Liberal construction.
<u>NRS 426.031</u>	Definitions.
<u>NRS 426.041</u>	"Blind person" defined.
<u>NRS 426.045</u>	"Bureau" defined.
<u>NRS 426.051</u>	"Chief" defined. [Repealed.]
<u>NRS 426.055</u>	"Deaf person" defined.
<u>NRS 426.061</u>	"Department" defined.
<u>NRS 426.065</u>	"Director" defined.
<u>NRS 426.068</u>	"Disability" defined.
<u>NRS 426.071</u>	"Division" defined.
<u>NRS 426.075</u>	"Guide dog" defined. [Repealed.]
<u>NRS 426.081</u>	"Hearing dog" defined. [Repealed.]
<u>NRS 426.083</u>	"Helping dog" defined. [Repealed.]
<u>NRS 426.085</u>	"School for guide dogs" defined. [Repealed.]
<u>NRS 426.091</u>	"School for hearing dogs" defined. [Repealed.]
<u>NRS 426.095</u>	"School for helping dogs" defined. [Repealed.]
<u>NRS 426.097</u>	"Service animal" defined.
<u>NRS 426.099</u>	"Service animal in training" defined.

### OFFICE OF DISABILITY SERVICES

#### GENERAL PROVISIONS

<u>NRS 426.205</u>	Definitions.
<u>NRS 426.215</u>	"Department" defined.
<u>NRS 426.225</u>	"Office" defined.
<u>NRS 426.235</u>	Creation; duties.
<u>NRS 426.245</u>	Regulations.
<u>NRS 426.255</u>	Advisory Committee on Deaf and Hard of Hearing Persons: Creation; membership; terms; vacancies; quorum; compensation; members holding public office or employed by governmental entity; powers.

### USE OF SIGNATURE STAMPS BY CERTAIN PERSON WITH PHYSICAL DISABILITIES

<u>NRS 426.257</u>	Circumstances under which signature stamps may be used; treatment of signature stamps; standards regarding signature stamps; regulations.
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### INTERAGENCY ADVISORY BOARD ON TRANSITION SERVICES

<u>NRS 426.258</u>	Definitions. [Effective through June 30, 2013.]
<u>NRS 426.2585</u>	"Advisory Board" defined. [Effective through June 30, 2013.]
<u>NRS 426.259</u>	"Committee" defined. [Effective through June 30, 2013.]
<u>NRS 426.2595</u>	"State Rehabilitation Council" defined. [Effective through June 30, 2013.]
<u>NRS 426.261</u>	"Transition services" defined. [Effective through June 30, 2013.]
<u>NRS 426.2615</u>	Creation; membership; designation of representative; appointment of members. [Effective through June 30, 2013.]
<u>NRS 426.262</u>	Terms and reappointment of members; vacancies. [Effective through June 30, 2013.]
<u>NRS 426.2625</u>	Election of Chairman and Vice Chairman; meetings; Secretary; regulations; quorum. [Effective through June 30, 2013.]
<u>NRS 426.263</u>	Members serve without compensation; members entitled to per diem; members holding public office or employed by governmental entity. [Effective through June 30, 2013.]
<u>NRS 426.2635</u>	Powers. [Effective through June 30, 2013.]
<u>NRS 426.264</u>	Annual report. [Effective through June 30, 2007.]
<u>NRS 426.264</u>	Annual report. [Effective July 1, 2007 through June 30, 2013.]

### PROGRAM TO ENABLE PERSONS WITH PHYSICAL DISABILITIES TO LIVE IN UNSUPERVISED SETTING

<u>NRS 426.265</u>	"Person with a physical disability" defined.
<u>NRS 426.275</u>	Establishment; regulations.
<u>NRS 426.285</u>	Required elements of essential personal care.

### PROGRAM TO PROVIDE DEVICES FOR TELECOMMUNICATION TO PERSONS WITH IMPAIRED SPEECH



OR HEARING

NRS 426.295 Development and administration; surcharge; creation and use of Account for Services for Persons With Impaired Speech or Hearing.

EXPEDITED SERVICE PERMITS

NRS 426.401 Definitions.  
NRS 426.411 "Department" defined.  
NRS 426.421 "Expedited service permit" defined.  
NRS 426.431 "Person with a permanent disability" defined.  
NRS 426.441 Application; issuance; requirements; review of eligibility; fee; regulations.  
NRS 426.451 Presentation to officer or employee of state agency; duty of officer or employee to provide expedited services.  
NRS 426.461 Unlawful acts.

USE OF SERVICE ANIMALS AND WHITE OR METALLIC CANES

NRS 426.510 Restrictions on use of service animal and white or metallic cane; duties of pedestrian; penalty.  
NRS 426.515 Failure to use cane or service animal as evidence of contributory negligence in action against carrier or place of public accommodation.

BUREAU OF SERVICES TO BLIND; REGULATIONS

NRS 426.518 Definitions.  
NRS 426.519 "Administrator" defined.  
NRS 426.520 "Blind person" further defined.  
NRS 426.531 Administration by Department.  
NRS 426.550 Administrator as head of Bureau; powers and duties of Bureau.  
NRS 426.555 Administrator to prepare required reports.  
NRS 426.560 Regulations.  
NRS 426.563 Costs of administration.  
NRS 426.567 State Grant and Gift Account for the Blind.  
NRS 426.570 Employees.  
NRS 426.573 Disclosure of information concerning applicant for or recipient of services to blind persons.  
NRS 426.575 Payment of allowance for maintenance to trainee in advance.  
NRS 426.590 Bureau as licensing agency under federal law.  
NRS 426.600 Denial of services prohibited; exceptions.  
NRS 426.610 Fair hearing before hearing officer; judicial review.

ESTABLISHMENT AND OPERATION OF VENDING STANDS ON PUBLIC PROPERTY

NRS 426.630 Definitions.  
NRS 426.640 Operation of vending stand on public property and property of State Park System by blind person: Purposes; license.  
NRS 426.650 Notice to Bureau by public agency of location of and license, permit and lease for any vending stand.  
NRS 426.660 Acquisition, construction, remodeling or improvement of public building: Planning for vending stand.  
NRS 426.665 Construction of building by Bureau; approval of Legislature.  
NRS 426.670 Surveys by Bureau; establishment and licensing of vending stand; training; contracts; regulations.  
NRS 426.675 Business Enterprise Account for the Blind.  
NRS 426.677 Management of money received from vending facility when operator unavailable or temporarily unable to conduct business.  
NRS 426.680 Review of recommendation of Bureau if agency rejects establishment of vending stand.  
NRS 426.685 Establishment of vending stand in privately owned building.  
NRS 426.690 Limitation on commodities and articles sold at vending stand.  
NRS 426.695 Operator of vending stand may keep service animal on premises.  
NRS 426.700 Applicability of laws and ordinances to operator of vending stand.  
NRS 426.710 Management and operation of Vending Stand Program for the Blind by nonprofit corporation or agency as trustee; reimbursement by operators of vending stands.  
NRS 426.715 Penalty for unlawful sale, solicitation or delivery of certain commodities on public property; exemptions.  
NRS 426.720 Applicability of provisions to operators of vending stands.

PERSONAL ASSISTANCE FOR PERSONS WITH SEVERE FUNCTIONAL DISABILITIES

NRS 426.721 Definitions.  
NRS 426.722 "Advisory Committee" defined.  
NRS 426.723 "Minimum essential personal assistance" defined.  
NRS 426.724 "Reasonably adequate state funding" defined.

<u>NRS 426.726</u>	"Severe functional disability" defined.
<u>NRS 426.727</u>	"State personal assistance program" defined.
<u>NRS 426.728</u>	State personal assistance programs required to make services available.
<u>NRS 426.729</u>	Duties of Director of Department of Health and Human Services.
<u>NRS 426.731</u>	Advisory Committee: Creation; membership; terms and compensation of members; quorum; duties.

## MISCELLANEOUS PROVISIONS

<u>NRS 426.740</u>	Refueling of vehicle for driver with physical disability; charging greater price for fuel prohibited; exception; penalty.
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## PENALTIES

<u>NRS 426.790</u>	Unlawfully interfering with or allowing dog or other animal to interfere with use of service animal or service animal in training; unlawfully beating or killing service animal or service animal in training; penalties.
<u>NRS 426.800</u>	Fraudulent acts: Penalty; presumption.
<u>NRS 426.805</u>	Fraudulent misrepresentation of animal as service animal or service animal in training unlawful; penalty.
<u>NRS 426.810</u>	Allowing dog or other animal to injure or kill service animal or service animal in training unlawful; allowing dog or other animal to endanger or injure person accompanied by service animal or service animal in training unlawful; penalties.
<u>NRS 426.820</u>	Civil liability for engaging in certain prohibited acts concerning service animals or service animals in training.

## GENERAL PROVISIONS

### **NRS 426.005 Policy of State of Nevada.** It is the policy of this state to:

1. Enable persons with visual, aural or physical disabilities to participate fully in the social and economic life of the State and to engage in remunerative employment and to secure for them the same rights as persons without disabilities to the full and free use of the street, highways, sidewalks, walkways, public buildings, public facilities and other public places.
  2. Promote these objectives by periodic public observance in which the people of the State are reminded:
    - (a) Of the significance of the white cane and the blaze orange dog leash.
    - (b) To observe the provisions of the laws for the protection of persons with disabilities and to take precautions necessary to the safety of persons with disabilities.
    - (c) Of the policies of the State with respect to persons with visual or physical disabilities and to cooperate in giving effect to them.
    - (d) Of the need to:
      - (1) Be aware of the presence of persons with disabilities in the community;
      - (2) Keep safe and functional for persons with disabilities the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement and resort, and other places to which the public is invited; and
      - (3) Offer assistance to persons with disabilities upon appropriate occasions.
  3. Provide persons with disabilities in this state and their families, within the limits of available resources, assistance in securing an equal opportunity to access and enjoy fully:
    - (a) Freedom and independence in planning and managing their lives, including, without limitation, the ability to exercise individual initiative;
    - (b) Suitable housing that is independently selected, designed and located with consideration of the special needs of persons with disabilities, and that is affordable to persons with disabilities;
    - (c) The best possible physical and mental health, without regard to economic status;
    - (d) Necessary health, personal assistance and independent living services that are designed to enable persons with disabilities to avoid receiving institutional care, or to transition from an institutional setting back to their communities;
    - (e) Respite for family members of persons with disabilities from their duties as primary caregivers; and
    - (f) Meaningful participation in a wide range of civic, cultural and recreational opportunities.
- (Added to NRS by 1969, 586; A 1987, 822; 2003, 2628)

### **NRS 426.010 Purposes of chapter.** The purposes of this chapter are:

1. To relieve persons with disabilities from the distress of poverty;
  2. To encourage and assist persons with disabilities in their efforts to render themselves more self-supporting; and
  3. To enlarge the opportunities of persons with disabilities to obtain education, vocational training and employment.
- [1:369:1953]—(NRS A 1963, 316; 1993, 2789; 2003, 2629)

**NRS 426.020 Liberal construction.** The provisions of this chapter shall be liberally construed to effect their objects and purposes.  
[3:369:1953]—(NRS A 1963, 316)

**NRS 426.031 Definitions.** As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 426.041 to 426.099, inclusive, have the meanings ascribed to them in those sections.  
(Added to NRS by 1981, 1916; A 1987, 823; 1993, 1616; 1995, 1992; 2003, 2974)

**NRS 426.041 "Blind person" defined.** "Blind person" means any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20°.

(Added to NRS by 1981, 1916)

**NRS 426.045 "Bureau" defined.** "Bureau" means the Bureau of Services to the Blind and Visually Impaired in the Division.

(Added to NRS by 1981, 1916; A 1997, 1170)

**NRS 426.051 "Chief" defined.** Repealed. (See chapter 57, Statutes of Nevada 2005, at page 116.)

**NRS 426.055 "Deaf person" defined.** "Deaf person" means any person who, by reason of the loss or impairment of his hearing, has an aural disability which limits, contributes to limiting or which, if not corrected, will probably result in limiting his activities or functions.

(Added to NRS by 1981, 1916; A 2003, 2630)

**NRS 426.061 "Department" defined.** "Department" means the Department of Employment, Training and Rehabilitation.

(Added to NRS by 1981, 1916; A 1993, 1616)

**NRS 426.065 "Director" defined.** "Director" means the Director of the Department.

(Added to NRS by 1981, 1916)

**NRS 426.068 "Disability" defined.** "Disability" means, with respect to a person:

1. A physical or mental impairment that substantially limits one or more of the major life activities of the person;
2. A record of such an impairment; or
3. Being regarded as having such an impairment.

(Added to NRS by 2003, 2973)

**NRS 426.071 "Division" defined.** "Division" means the Rehabilitation Division of the Department.

(Added to NRS by 1981, 1916)

**NRS 426.075 "Guide dog" defined.** Repealed. (See chapter 196, Statutes of Nevada 2005, at page 635.)

**NRS 426.081 "Hearing dog" defined.** Repealed. (See chapter 196, Statutes of Nevada 2005, at page 635.)

**NRS 426.083 "Helping dog" defined.** Repealed. (See chapter 196, Statutes of Nevada 2005, at page 635.)

**NRS 426.085 "School for guide dogs" defined.** Repealed. (See chapter 196, Statutes of Nevada 2005, at page 635.)

**NRS 426.091 "School for hearing dogs" defined.** Repealed. (See chapter 196, Statutes of Nevada 2005, at page 635.)

**NRS 426.095 "School for helping dogs" defined.** Repealed. (See chapter 196, Statutes of Nevada 2005, at page 635.)

**NRS 426.097 "Service animal" defined.** "Service animal" means an animal that has been trained to assist or accommodate a person with a disability.

(Added to NRS by 1995, 1992; A 1999, 2515; 2003, 2630, 2974)

**NRS 426.099 "Service animal in training" defined.** "Service animal in training" means an animal that is being trained to assist or accommodate a person with a disability.

(Added to NRS by 2003, 2973)

## OFFICE OF DISABILITY SERVICES

### General Provisions

**NRS 426.205 Definitions.** As used in NRS 426.205 to 426.295, inclusive, unless the context otherwise requires, the words and terms defined in NRS 426.215 and 426.225 have the meanings ascribed to them in those sections.

(Added to NRS by 2003, 2623; A 2005, 236, 1443)

**NRS 426.215 "Department" defined.** "Department" means the Department of Health and Human Services.

(Added to NRS by 2003, 2623)

**NRS 426.225 "Office" defined.** "Office" means the Office of Disability Services created pursuant to NRS 426.235.

(Added to NRS by 2003, 2623)

**NRS 426.235 Creation; duties.** The Office of Disability Services is hereby created within the Department. The Office shall:

1. Provide access to information about services or programs for persons with disabilities that are available in this State.
2. Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and

local governmental agencies in:

(a) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(b) Making recommendations concerning new policies or services that may benefit persons with disabilities.

3. Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

4. Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Office shall:

(a) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Office to each of the local governmental agencies that provides services or programs to persons with disabilities;

(b) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(c) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

5. Administer the following programs in this State that provide services for persons with disabilities:

(a) The program established pursuant to NRS 426.265, 426.275 and 426.285 to provide financial assistance to persons with physical disabilities;

(b) The programs established pursuant to chapter 426A of NRS to obtain information concerning traumatic brain injuries and provide services to persons with traumatic brain injuries;

(c) The program established pursuant to NRS 426.295 to provide devices for telecommunication to deaf persons and persons with impaired speech or hearing;

(d) Any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.;

(e) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § 364.4; and

(f) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

6. Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

7. Ensure that state and local governmental agencies comply with the provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

8. Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(a) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(b) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

9. Publish a biennial report which:

(a) Reviews the current and projected capacity of:

(1) Services available to persons with disabilities pursuant to the State Plan for Medicaid;

(2) Waivers to the State Plan for Medicaid for the provision of home and community-based services in this State;

(3) Services available to persons with disabilities from counties and other local governmental entities in this State;

and

(4) Any other services available to persons with disabilities from any governmental or nonprofit agency;

(b) Identifies the costs of existing and new services in the community for persons with disabilities;

(c) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(d) Recommends plans to provide services or programs for persons with disabilities by using the data from any waiting lists of persons seeking such services or programs;

(e) Reports the outcomes of persons with disabilities who have received services for persons with disabilities in this State; and

(f) Reports the progress of the Office in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001.

10. Provide on or before January 15 of each year a report to the Governor and on or before January 15 of each odd-numbered year a report to the Legislature, including, without limitation:

(a) A summary of the activities of the Office for the preceding fiscal year or 2 preceding fiscal years, if the report is provided to the Legislature;

(b) Documentation of significant problems affecting persons with disabilities when accessing public services, if the Office is aware of any such problems;

(c) A summary and analysis of the trends in the systems of care and services available for persons with disabilities; and

(d) Recommendations for improving the ability of the State of Nevada to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

(Added to NRS by 2003, 2623; A 2005, 112)

**NRS 426.245 Regulations.** The Department may adopt any regulations to carry out the provisions of NRS 426.205 to 426.295, inclusive.

(Added to NRS by 2003, 2625)

**NRS 426.255 Advisory Committee on Deaf and Hard of Hearing Persons: Creation; membership; terms; vacancies; quorum; compensation; members holding public office or employed by governmental entity; powers.**

1. The Advisory Committee on Deaf and Hard of Hearing Persons is hereby created in the Office. The Advisory Committee consists of 11 people appointed by the Director of the Department. The Director shall appoint to the Advisory Committee:

- (a) One member who is employed by the Department and who participates in the administration of the program of this State which provides services to persons with disabilities which affect their ability to communicate;
- (b) One person who is a member of the Nevada Association of the Deaf;
- (c) One member who is hard of hearing;
- (d) One representative of educators of persons who are deaf and hard of hearing;
- (e) One member who is professionally qualified in the field of deafness;
- (f) One member whose speech is impaired;
- (g) The Executive Director of the Nevada Telecommunications Association;
- (h) Two representatives of the deaf and hard of hearing centers operated by this State, who are ex officio members; and
- (i) Two representatives of the program to purchase, maintain, repair and distribute devices for telecommunication developed and administered pursuant to NRS 426.295, who are ex officio members.

2. After the initial term, the term of each member is 3 years. A member may be reappointed.

3. If a vacancy occurs during the term of a member, the Director of the Department shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

4. The Advisory Committee shall:

- (a) At its first meeting and annually thereafter, elect a Chairman from among its voting members; and
- (b) Meet at the call of the Director of the Department, the Chairman or a majority of its members as is necessary to carry out its responsibilities.

5. A majority of the voting members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of the voting members of a quorum present at any meeting is sufficient for any official action taken by the Advisory Committee.

6. Members of the Advisory Committee serve without compensation, except that each member is entitled, while engaged in the business of the Advisory Committee, to the per diem allowance and travel expenses provided for state officers and employees generally.

7. A member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Committee to make up the time he is absent from work to carry out his duties as a member of the Advisory Committee or use annual vacation or compensatory time for the absence.

8. The Advisory Committee may:

- (a) Make recommendations to the Director of the Department and the Office concerning the establishment and operation of programs for persons with disabilities which affect their ability to communicate;
- (b) Recommend to the Director of the Department and the Office any proposed legislation concerning persons with disabilities which affect their ability to communicate; and
- (c) Collect information concerning persons with disabilities which affect their ability to communicate.

9. As used in this section:

- (a) "Person who is deaf" means a person who is not able to process information aurally and whose primary means of communication is visual.
- (b) "Person who is hard of hearing" means a person:
  - (1) Who has a hearing deficit;
  - (2) Who is able to process information aurally with or without the use of a hearing aid or any other device that enhances the ability of a person to hear; and
  - (3) Whose primary means of communication may be visual.
- (c) "Person whose speech is impaired" means a person who has difficulty using his voice to communicate.

(Added to NRS by 2003, 2626)

#### **Use of Signature Stamps by Certain Person With Physical Disabilities**

**NRS 426.257 Circumstances under which signature stamps may be used; treatment of signature stamps; standards regarding signature stamps; regulations.**

1. Except as otherwise provided in subsection 2 and notwithstanding any other provision of law:

(a) A person with a physical disability who, by reason of the physical disability, is unable to write may use a signature stamp to affix his signature to a document or writing any time that a signature is required by law; and

(b) A person, government, governmental agency and political subdivision of a government must treat each signature affixed by a person described in paragraph (a) through the use of a signature stamp in the same manner as it treats a signature made in writing.

2. The provisions of subsection 1 do not apply to a document or writing with respect to which the requirement that the document or writing must be signed is accompanied by an additional qualifying requirement unless each additional qualifying requirement is satisfied.

3. The Office shall develop standards regarding signature stamps for persons with physical disabilities who, by reason of

their physical disabilities, are unable to write, including, without limitation, standards pertaining to:

- (a) The development of a signature stamp;
- (b) The use of a signature stamp;
- (c) The verification of a signature stamp; and
- (d) Any other aspect of the use or verification of signature stamps that the Office determines to be necessary.

4. The Department shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations:

- (a) To carry out the standards developed by the Office pursuant to subsection 3; and
- (b) Concerning the extent to which a person who uses a signature stamp and a person, government, governmental agency and political subdivision of a government which treats a signature stamp as the signature of a person pursuant to this section may incur liability related to the use or treatment of the signature stamp.

5. As used in this section, "signature stamp" means a stamp which contains the impression of:

- (a) The actual signature of a person with a physical disability;
- (b) A mark or symbol which is adopted by the person with the physical disability; or
- (c) A signature of the name of a person with a physical disability which is made by another person and which is adopted by the person with the physical disability.

(Added to NRS by 2005, 235)

#### **Interagency Advisory Board on Transition Services**

**NRS 426.258 Definitions.** [Effective through June 30, 2013.] As used in NRS 426.258 to 426.264, inclusive, unless the context otherwise requires, the words and terms defined in NRS 426.2585 to 426.261, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 2005, 1439)

**NRS 426.2585 "Advisory Board" defined.** [Effective through June 30, 2013.] "Advisory Board" means the Interagency Advisory Board on Transition Services created by NRS 426.2615.

(Added to NRS by 2005, 1439)

**NRS 426.259 "Committee" defined.** [Effective through June 30, 2013.] "Committee" means the Strategic Plan for People with Disabilities Accountability Committee established by the Director of the Department as required by Executive Order of the Office of the Governor and in response to the long-term strategic plan concerning persons with disabilities developed by the Department pursuant to paragraph (c) of subsection 1 of section 1 of chapter 541, Statutes of Nevada 2001, at page 2705.

(Added to NRS by 2005, 1439)

**NRS 426.2595 "State Rehabilitation Council" defined.** [Effective through June 30, 2013.] "State Rehabilitation Council" means the State Rehabilitation Council established pursuant to 29 U.S.C. §§ 725 et seq.

(Added to NRS by 2005, 1439)

**NRS 426.261 "Transition services" defined.** [Effective through June 30, 2013.] "Transition services" means a coordinated set of activities which:

1. Is designed within a process that is outcome-oriented and which promotes movement of pupils from school to postschool activities, including, without limitation, postsecondary education, vocational training, supported employment, integrated employment, continuing and adult education, adult services, independent living and community participation;

2. Is based on the preferences and interests of the pupil, taking into account the pupil's needs;

3. Includes, without limitation:

- (a) Instruction;
- (b) Related services, including, without limitation, vocational and rehabilitative services;
- (c) Community experiences;
- (d) The development of employment objectives and other objectives for living as an adult after the completion of school;

and

(e) If appropriate, the acquisition of daily living skills and functional vocational evaluation; and

4. Includes an individual plan for employment for a pupil with a disability who is receiving special education services or other related services, if the individual plan for employment is developed:

(a) In coordination with the plan for the individualized education prepared by the school district pursuant to NRS 395.020, including, without limitation, the goals, objectives and services identified in the plan; and

(b) In accordance with the plans, policies, procedures and terms of an interlocal agreement between the school district of the pupil and the Rehabilitation Division of the Department of Employment, Training and Rehabilitation.

↪ The term includes special education if provided as specially designed instruction or related services and if required to assist a pupil with a disability to benefit from special education.

(Added to NRS by 2005, 1439)

**NRS 426.2615 Creation; membership; designation of representative; appointment of members.** [Effective through June 30, 2013.]

1. The Interagency Advisory Board on Transition Services is hereby created in the Office.

2. The Advisory Board consists of the following members:

(a) The Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation;

(b) The Superintendent of Public Instruction;

(c) A representative of the Division of Child and Family Services of the Department, appointed by the Administrator of

the Division of Child and Family Services;

(d) A representative of the Division of Mental Health and Developmental Services of the Department, appointed by the Administrator of the Division of Mental Health and Developmental Services;

(e) A member of the Committee, appointed by the Governor;

(f) A member of the Governor's Workforce Investment Board of the Department of Employment, Training and Rehabilitation, appointed by the Governor;

(g) A representative of the Nevada Disability Advocacy and Law Center, or its successor organization, appointed by the Governor;

(h) A representative of the Nevada P.E.P., Inc., or its successor organization, appointed by the Governor;

(i) A representative of a community-based organization which provides services to persons with physical, cognitive, sensory and mental health disabilities, appointed by the Governor;

(j) A representative of the Nevada System of Higher Education or an entity which provides postsecondary education, vocational training, supported employment services, integrated employment services or continuing and adult education, appointed by the Governor;

(k) A representative of a program of education, including, without limitation, a program of special or vocational education, in a school district in a county whose population is 400,000 or more, appointed by the Governor from a list of persons provided to the Governor by the superintendents of schools in such counties;

(l) A representative of a program of education, including, without limitation, a program of special or vocational education in a school district in a county whose population is 100,000 or more but less than 400,000, appointed by the Governor from a list of persons provided to the Governor by the superintendents of schools in such counties;

(m) A representative of a program of education, including, without limitation, a program of special or vocational education, in a school district in a county whose population is less than 100,000, appointed by the Governor from a list of persons provided to the Governor by the superintendents of schools in such counties;

(n) A person with a disability who has transitioned from a secondary school into the workforce, postsecondary education, vocational training, supported employment, integrated employment, continuing or adult education, adult services, independent living or community participation, appointed by the Governor; and

(o) A parent of a person with a disability who is not younger than 14 years of age or older than 25 years of age, appointed by the Governor.

3. Each member of the Advisory Board who is an officer or employee of the State of Nevada or a local government or agency thereof or a representative of a private entity may designate a representative to serve in his place on the Advisory Board or to replace him at a meeting of the Advisory Board if the person designated has the appropriate knowledge and authority to represent the State of Nevada, local government or agency thereof or private entity, as applicable, and has been approved by the appointing authority.

4. Each appointing authority of a member of the Advisory Board shall:

(a) Solicit recommendations for the appointment of members to the Advisory Board from the Committee; and

(b) Appoint to the Advisory Board persons who represent a broad range of persons with disabilities and entities serving persons with disabilities.

(Added to NRS by 2005, 1440)

**NRS 426.262 Terms and reappointment of members; vacancies. [Effective through June 30, 2013.]**

1. The term of each member is 4 years. A member may be reappointed.

2. A vacancy occurring in the membership of the Advisory Board must be filled in the same manner as the original appointment.

(Added to NRS by 2005, 1441)

**NRS 426.2625 Election of Chairman and Vice Chairman; meetings; Secretary; regulations; quorum. [Effective through June 30, 2013.]**

1. The Advisory Board shall:

(a) At its first meeting and annually thereafter, elect a Chairman and Vice Chairman from among its voting members; and

(b) Meet throughout each year at the times and places specified by a call of the Chairman or a majority of the members of the Advisory Board.

2. The Director of the Office or his designee shall act as the nonvoting recording Secretary.

3. The Advisory Board shall prescribe regulations for its own management and government.

4. A majority of the voting members of the Advisory Board constitutes a quorum for the transaction of business, and a majority of the voting members of a quorum present at any meeting is sufficient for any official action taken by the Advisory Board.

(Added to NRS by 2005, 1441)

**NRS 426.263 Members serve without compensation; members entitled to per diem; members holding public office or employed by governmental entity. [Effective through June 30, 2013.]**

1. Members of the Advisory Board serve without compensation, except that each member of the Advisory Board is entitled, while engaged in the business of the Advisory Board, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Advisory Board who is an officer or employee of the State of Nevada or a political subdivision of this State must be paid by the state agency or political subdivision which employs him.

2. Each member of the Advisory Board who is an officer or employee of the State of Nevada or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Board and perform any work necessary to carry out the duties of the Advisory Board in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Board to make up the time that he is absent from work to carry out his duties as a member of the

Advisory Board or to use annual vacation or compensatory time for the absence.

(Added to NRS by 2005, 1442)

**NRS 426.2635 Powers. [Effective through June 30, 2013.]** The Advisory Board may:

1. Study and comment on issues related to transition services for persons with disabilities in this State, including, without limitation:
  - (a) The implementation of recommendations concerning transition services of the Committee and of the State Rehabilitation Council;
  - (b) Programs for the provision of transition services to persons with disabilities in this State;
  - (c) Methods to enhance such programs and to ensure that persons with disabilities are receiving transition services in the most appropriate settings;
  - (d) Federal and state laws concerning transition services for persons with disabilities;
  - (e) The availability of useful information and data relating to transition services as needed for the State of Nevada to make decisions effectively, plan budgets and monitor costs and outcomes of transition services provided to persons with disabilities;
  - (f) Methods to increase the availability of such information and data;
  - (g) Compliance with federal requirements which affect persons who are receiving transition services;
  - (h) The extent to which transition services in this State are provided in compliance with:
    - (1) The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; and
    - (2) The Strategic Plan for People with Disabilities developed by the Department pursuant to paragraph (c) of subsection 1 of section 1 of chapter 541, Statutes of Nevada 2001, at page 2705; and
  - (i) Any other matters that, in the determination of the Advisory Board, affect persons with disabilities who are receiving transition services;
2. Hold a statewide annual meeting to gather information and develop recommendations concerning transition services for persons with disabilities; and
3. Promote the planning, coordination, delivery and evaluation of transition services offered by the State or a local government or agency thereof or any private entity in this State.

(Added to NRS by 2005, 1442)

**NRS 426.264 Annual report. [Effective through June 30, 2007.]**

1. On or before July 1 of each year, the Advisory Board shall submit an annual report concerning the provision of transition services to persons with disabilities in this State to:
  - (a) The Governor;
  - (b) The Legislative Committee on Persons With Disabilities;
  - (c) The Committee;
  - (d) The State Rehabilitation Council;
  - (e) The State Board of Education; and
  - (f) The Department of Education for transmittal to persons within the Department who are working on issues concerning special education.
2. The annual report must include, without limitation:
  - (a) A list of the members of the Advisory Board;
  - (b) The dates, agendas and minutes of each of the meetings of the Advisory Board;
  - (c) Information concerning the activities, findings and recommendations of the Advisory Board;
  - (d) A status report concerning transition services from:
    - (1) The Committee; and
    - (2) The State Rehabilitation Council;
  - (e) A summary of the availability and status of transition services in this State and the need for transition services in this State;
  - (f) Recommendations for legislation relating to transition services;
  - (g) Recommendations to agencies and officers of the Executive Branch of the State Government relating to transition services; and
  - (h) Recommendations to providers of community-based services who provide services to persons with disabilities relating to transition services.

(Added to NRS by 2005, 1443)

**NRS 426.264 Annual report. [Effective July 1, 2007 through June 30, 2013.]**

1. On or before July 1 of each year, the Advisory Board shall submit an annual report concerning the provision of transition services to persons with disabilities in this State to:
  - (a) The Governor;
  - (b) The Director of the Legislative Counsel Bureau for transmittal to the Legislature;
  - (c) The Committee;
  - (d) The State Rehabilitation Council;
  - (e) The State Board of Education; and
  - (f) The Department of Education for transmittal to persons within the Department who are working on issues concerning special education.
2. The annual report must include, without limitation:
  - (a) A list of the members of the Advisory Board;
  - (b) The dates, agendas and minutes of each of the meetings of the Advisory Board;
  - (c) Information concerning the activities, findings and recommendations of the Advisory Board;
  - (d) A status report concerning transition services from:



- (1) The Committee; and
  - (2) The State Rehabilitation Council;
  - (e) A summary of the availability and status of transition services in this State and the need for transition services in this State;
  - (f) Recommendations for legislation relating to transition services;
  - (g) Recommendations to agencies and officers of the Executive Branch of the State Government relating to transition services; and
  - (h) Recommendations to providers of community-based services who provide services to persons with disabilities relating to transition services.
- (Added to NRS by 2005, 1443; A 2005, 1444, effective July 1, 2007)

#### **Program to Enable Persons With Physical Disabilities to Live in Unsupervised Setting**

**NRS 426.265 "Person with a physical disability" defined.** As used in NRS 426.275 and 426.285, unless the context otherwise requires, "person with a physical disability" means a person with a physical disability that substantially limits his ability to participate and contribute independently in the community in which he lives.

(Added to NRS by 2003, 2627)

#### **NRS 426.275 Establishment; regulations.**

1. The Department shall, through the Office, establish a program to provide financial assistance to persons with physical disabilities for such essential personal care required pursuant to NRS 426.285 as is necessary to enable them to live in a noninstitutional or unsupervised residential setting.
  2. The Department shall adopt regulations:
    - (a) Establishing the procedures for applying for assistance for essential personal care;
    - (b) Prescribing the criteria for determining the eligibility of an applicant;
    - (c) Prescribing the nature and the amounts of assistance which may be provided and the conditions imposed; and
    - (d) Prescribing such other provisions as the Department considers necessary to administer the program.
  3. The decision of the Department regarding the eligibility of an applicant is a final decision for the purposes of judicial review.
- (Added to NRS by 2003, 2627)

**NRS 426.285 Required elements of essential personal care.** The essential personal care for which the Department may provide assistance to a person with a physical disability pursuant to NRS 426.275 must include assisting the person with the physical disability in:

1. The elimination of wastes from the body.
2. Dressing and undressing.
3. Bathing and grooming.
4. The preparation and eating of meals.
5. Getting in and out of bed.
6. Repositioning while asleep.
7. The use of prostheses and other medical equipment.
8. Moving about.

(Added to NRS by 2003, 2627)

#### **Program to Provide Devices for Telecommunication to Persons With Impaired Speech or Hearing**

**NRS 426.295 Development and administration; surcharge; creation and use of Account for Services for Persons With Impaired Speech or Hearing.**

1. The Office shall develop and administer a program whereby:
  - (a) Any person who is a customer of a telephone company which provides service through a local exchange or a customer of a company that provides wireless phone service and who is certified by the Office to be deaf or to have severely impaired speech or hearing may obtain a device for telecommunication capable of serving the needs of such persons at no charge to the customer beyond the rate for basic service; and
  - (b) Any person who is deaf or has severely impaired speech or hearing may communicate by telephone, including, without limitation, a wireless phone, with other persons through a dual-party relay system.
- ↪ The program must be approved by the Public Utilities Commission of Nevada.
2. A surcharge is hereby imposed on each access line of each customer to the local exchange of any telephone company providing such lines in this State and on each personal wireless access line of each customer of any company that provides wireless phone services in this State which is sufficient to cover the costs of the program and to fund the deaf and hard of hearing centers operated by this State. The Commission shall establish by regulation the amount to be charged. Those companies shall collect the surcharge from their customers and transfer the money collected to the Commission pursuant to regulations adopted by the Commission.
3. The Account for Services for Persons With Impaired Speech or Hearing is hereby created within the State General Fund and must be administered by the Office. Any money collected from the surcharge imposed pursuant to subsection 2 must be deposited in the State Treasury for credit to the Account. The money in the Account may be used only:
  - (a) For the purchase, maintenance, repair and distribution of the devices for telecommunication, including the distribution of devices to state agencies and nonprofit organizations;
  - (b) To establish and maintain the dual-party relay system;
  - (c) To reimburse telephone companies and companies that provide wireless phone services for the expenses incurred in collecting and transferring to the Commission the surcharge imposed by the Commission;

- (d) For the general administration of the program developed and administered pursuant to subsection 1;
  - (e) To train persons in the use of the devices; and
  - (f) To fund the deaf and hard of hearing centers operated by this State.
4. For the purposes of this section:

(a) "Device for telecommunication" means a device which is used to send messages through the telephone system, including, without limitation, the wireless phone system, which visually displays or prints messages received and which is compatible with the system of telecommunication with which it is being used.

(b) "Dual-party relay system" means a system whereby persons who have impaired speech or hearing, and who have been furnished with devices for telecommunication, may relay communications through third parties to persons who do not have access to such devices.

(Added to NRS by 2003, 2628)

### **EXPEDITED SERVICE PERMITS**

**NRS 426.401 Definitions.** As used in NRS 426.401 to 426.461, inclusive, unless the context otherwise requires, the words and terms defined in NRS 426.411, 426.421 and 426.431 have the meanings ascribed to them in those sections.

(Added to NRS by 1999, 1158)

**NRS 426.411 "Department" defined.** "Department" means the Department of Motor Vehicles.

(Added to NRS by 1999, 1158; A 2001, 2610)

**NRS 426.421 "Expedited service permit" defined.** "Expedited service permit" means a permit that:

- 1. Is issued by the Department pursuant to the provisions of NRS 426.441 to a person with a permanent disability; and
- 2. Entitles the person to expedited service pursuant to the provisions of NRS 426.451.

(Added to NRS by 1999, 1158)

**NRS 426.431 "Person with a permanent disability" defined.** "Person with a permanent disability" means a person:

- 1. With a disability which limits or impairs the ability to walk, as defined in NRS 482.3835; and
- 2. Whose disability has been certified by a licensed physician as irreversible.

(Added to NRS by 1999, 1158)

**NRS 426.441 Application; issuance; requirements; review of eligibility; fee; regulations.**

- 1. A person with a permanent disability may apply to the Department for an expedited service permit. The application must:

- (a) Be submitted on a form approved by the Department; and
- (b) Include a statement from a licensed physician certifying that the applicant is a person with a permanent disability.

- 2. Upon receipt of a completed application pursuant to subsection 1 and the payment of any required fee, the Department shall issue a permit to the applicant. The permit must:

- (a) Set forth the name and address of the person to whom it is issued;
- (b) Include a colored photograph of the applicant and the international symbol of access which must be white on a blue background;

- (c) Include any other information the Department may require; and

- (d) Be the same size as a driver's license issued by the Department pursuant to the provisions of chapter 483 of NRS.

- 3. A permit is valid for 10 years after the date of issuance.

- 4. The Department may:

- (a) At any time review its determination of whether a holder of a permit is eligible for issuance of the permit pursuant to the provisions of this section. If the Department determines that a holder of a permit is not eligible for issuance of the permit, the Department shall notify the person of that fact in writing. Upon receipt of the notice, the holder shall, as soon as practicable, surrender the permit to the Department.

- (b) Charge a fee for the issuance of a permit pursuant to the provisions of this section.

- (c) Adopt regulations necessary to carry out the provisions of NRS 426.401 to 426.461, inclusive.

(Added to NRS by 1999, 1158; A 2005, 231)

**NRS 426.451 Presentation to officer or employee of state agency; duty of officer or employee to provide expedited services.**

- 1. A person to whom an expedited service permit is issued pursuant to the provisions of NRS 426.441, or a person who is assisting him, may present the permit to any officer or employee of a state agency who is, at the time the permit is presented to him, providing any services of the agency to the public. The permit must be presented during the regular business hours of the agency.

- 2. Upon presentation of the permit, the officer or employee to whom the permit is presented shall, before serving any other person who is waiting to receive services, serve or otherwise accommodate the person to whom the permit is issued.

(Added to NRS by 1999, 1159)

**NRS 426.461 Unlawful acts.**

- 1. It is unlawful for a person, other than a person to whom an expedited service permit is issued pursuant to the provisions of NRS 426.441, to use or attempt to use such a permit to obtain services from a state agency pursuant to the provisions of NRS 426.451.

- 2. A person who violates a provision of this subsection is guilty of a misdemeanor.

(Added to NRS by 1999, 1159)

## USE OF SERVICE ANIMALS AND WHITE OR METALLIC CANES

### **NRS 426.510 Restrictions on use of service animal and white or metallic cane; duties of pedestrian; penalty.**

1. Except as otherwise provided in subsections 2, 3 and 4, a person shall not:
    - (a) Use a service animal; or
    - (b) Carry or use on any street or highway or in any other public place a cane or walking stick which is white or metallic in color, or white tipped with red.
  2. A blind person may use a service animal and a cane or walking stick which is white or metallic in color, or white tipped with red.
  3. A deaf person may use a service animal.
  4. A person with a physical disability may use a service animal.
  5. Any pedestrian who approaches or encounters a blind person using a service animal or carrying a cane or walking stick, white or metallic in color, or white tipped with red, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the blind person.
  6. Any person other than a blind person who:
    - (a) Uses a service animal or carries a cane or walking stick such as is described in this section, contrary to the provisions of this section;
    - (b) Fails to heed the approach of a person using a service animal or carrying such a cane as is described by this section;
    - (c) Fails to come to a stop upon approaching or coming in contact with a person so using a service animal or so carrying such a cane or walking stick; or
    - (d) Fails to take precaution against accident or injury to such a person after coming to a stop as provided for in this section,
 ↪ is guilty of a misdemeanor.
  7. This section does not apply to any person who is instructing a blind person, deaf person or person with a physical disability or training a service animal.
- [1:58:1939; 1931 NCL § 2323] + [2:58:1939; 1931 NCL § 2323.01] + [3:58:1939; 1931 NCL § 2323.02]—(NRS A 1969, 511; 1981, 670, 1916; 1987, 823; 1995, 1992; 2003, 2630, 2974; 2005, 626)

### **NRS 426.515 Failure to use cane or service animal as evidence of contributory negligence in action against carrier or place of public accommodation. The failure of a:**

1. Blind person to carry a white or metallic colored cane or to use a service animal;
  2. Deaf person to use a service animal; or
  3. Person with a physical disability to use a service animal,
- ↪ does not constitute contributory negligence per se, but may be admissible as evidence of contributory negligence in a personal injury action by that person against a common carrier or any other means of public conveyance or transportation or a place of public accommodation as defined by NRS 651.050 when the injury arises from the blind person's, deaf person's or person with a physical disability's making use of the facilities or services offered by the carrier or place of public accommodation.
- (Added to NRS by 1971, 807; A 1981, 1917; 1987, 824; 1995, 1993; 2003, 2631; 2005, 627)

## BUREAU OF SERVICES TO BLIND; REGULATIONS

**NRS 426.518 Definitions.** As used in NRS 426.518 to 426.610, inclusive, the words and terms defined in NRS 426.519 and 426.520 have the meanings ascribed to them in those sections.

(Added to NRS by 2005, 112)

**NRS 426.519 "Administrator" defined.** "Administrator" means the Administrator of the Division.

(Added to NRS by 2005, 112)

**NRS 426.520 "Blind person" further defined.** "Blind person" means a person described in NRS 426.041 and any person who by reason of loss or impairment of eyesight is unable to provide himself with the necessities of life, and who has not sufficient income of his own to maintain himself.

(Added to NRS by 1957, 781; A 1959, 148; 1963, 920; 1965, 771; 1967, 1162; 1973, 1388; 1981, 1917; 2005, 114)

**NRS 426.531 Administration by Department.** The Department shall administer the provisions of NRS 426.518 to 426.610, inclusive, as the sole agency in the State for such purpose.

(Added to NRS by 1973, 1388)

### **NRS 426.550 Administrator as head of Bureau; powers and duties of Bureau.**

1. The Bureau must be headed by the Administrator.
2. The Bureau shall:
  - (a) Assist blind persons in achieving physical and psychological orientation, inform blind persons of available services, stimulate and assist blind persons in achieving social and economic independence, and do all things which will ameliorate the condition of blind persons.
  - (b) Provide intensive programs of case finding, education, training, job findings and placement, physical restoration, and such other services and equipment as may assist in rendering blind persons more self-supporting and socially independent.
3. The Bureau may:
  - (a) Provide for treatment or operations to prevent blindness or restore vision to applicants for or recipients of services to blind persons who request and make written application for such treatment or operation; and

(b) Pay for all necessary expenses incurred in connection with the diagnosis and treatment provided under paragraph (a). Necessary expenses must include the costs of guide service, maintenance while the patient is away from his home, transportation to the eye physician or hospital and return to his home, and the cost of nursing home care when such care is necessary.

(Added to NRS by 1957, 782; A 1959, 148; 1963, 318, 1183; 1965, 771; 1967, 1162; 1973, 1388; 1975, 1008; 2005, 114, 627)

**NRS 426.555 Administrator to prepare required reports.** Subject to the approval of the Director, the Administrator or his designated representative shall prepare reports for the Federal Government pursuant to the Vocational Rehabilitation Act Amendments of 1965, Title 29 of U.S.C., as amended, any future amendments thereof and the regulations promulgated thereunder.

(Added to NRS by 1967, 803; A 1973, 419, 1389; 1975, 68; 2005, 114)

**NRS 426.560 Regulations.**

1. Subject to the approval of the Department, the Division shall direct the Bureau to make administrative regulations to enforce the provisions of this chapter related to services for blind persons, which regulations must not conflict with the provisions of this chapter.

2. The regulations must recognize that the needs and problems of blind persons are special to them and may differ materially from the needs and problems of other persons.

(Added to NRS by 1957, 782; A 1963, 319, 1183; 1965, 771; 1967, 1162; 1973, 1389; 1981, 1918; 2005, 628)

**NRS 426.563 Costs of administration.** Costs of administration of NRS 426.518 to 426.720, inclusive, shall be paid out on claims presented by the Bureau in the same manner as other claims against the State are paid.

(Added to NRS by 1967, 1579; A 1973, 1389)

**NRS 426.567 State Grant and Gift Account for the Blind.**

1. All gifts of money which the Bureau is authorized to accept must be deposited in the State Treasury for credit to the State Grant and Gift Account for the Blind in the Department of Employment, Training and Rehabilitation's Gift Fund.

2. The State Grant and Gift Account must be used for the purposes specified by the donor or for the purpose of carrying out the provisions of this chapter and other programs or laws administered by the Bureau.

3. All claims must be approved by the Administrator before they are paid.

(Added to NRS by 1967, 804; A 1973, 1390; 1979, 621; 1981, 77; 1993, 1617; 2005, 114)

**NRS 426.570 Employees.**

1. All employees of the Bureau are directly responsible to the Administrator.

2. Such employees must consist of persons skilled in assisting blind persons to achieve social and economic independence.

(Added to NRS by 1957, 782; A 1963, 921; 1965, 771; 1973, 1390; 2005, 115)

**NRS 426.573 Disclosure of information concerning applicant for or recipient of services to blind persons.**

Information with respect to any individual applying for or receiving services to blind persons shall not be disclosed by the Bureau or any of its employees to any person, association or body unless such disclosure is related directly to carrying out the provisions of NRS 426.518 to 426.610, inclusive, or upon written permission of the applicant or recipient.

(Added to NRS by 1967, 805; A 1973, 1390; 2005, 628)

**NRS 426.575 Payment of allowance for maintenance to trainee in advance.** When a blind person who is eligible to receive a maintenance allowance while pursuing a training program administered by the Bureau is accepted for such a training program, the Bureau may in its discretion pay any installment of such maintenance allowance in advance, based upon the amount allowed to the blind person, and adjust any succeeding payment to reflect actual duration of training during the period for which such advance was made.

(Added to NRS by 1967, 876; A 1973, 1391)

**NRS 426.590 Bureau as licensing agency under federal law.** The Bureau is hereby designated as the licensing agency for the purposes of 20 U.S.C. § 107 (a-f), and acts amendatory thereto, and the Bureau is authorized to comply with such requirements as may be necessary to qualify for federal approval and achieve maximum federal participation in the Vending Stand Program under such federal statutes.

(Added to NRS by 1957, 782; A 1965, 772; 1973, 1391; 1975, 127)

**NRS 426.600 Denial of services prohibited; exceptions.** No blind person who may benefit from services authorized under NRS 426.518 to 426.610, inclusive, may be denied such services except the services for which a determination of economic need is required pursuant to the State Plan for Services to the Blind.

(Added to NRS by 1957, 782; A 1963, 319; 1967, 1056; 1981, 1904)

**NRS 426.610 Fair hearing before hearing officer; judicial review.**

1. An applicant for or recipient of services to blind persons who is aggrieved by an act, determination or omission of the Bureau is entitled, in accordance with regulations, to a fair hearing before a hearing officer.

2. A person aggrieved by the decision of a hearing officer is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.

(Added to NRS by 1957, 782; A 1959, 148; 1963, 921; 1965, 772; 1967, 1163; 1973, 1391; 1989, 1654; 2005, 628)

## ESTABLISHMENT AND OPERATION OF VENDING STANDS ON PUBLIC PROPERTY

**NRS 426.630 Definitions.** As used in NRS 426.630 to 426.720, inclusive, unless the context otherwise requires:

1. "Operator" means the individual blind person responsible for the day-to-day operation of the vending stand.
2. "Public building" or "property" means any building, land or other real property, owned, leased or occupied by any department or agency of the State or any of its political subdivisions except public elementary and secondary schools, the Nevada System of Higher Education, the Nevada State Park System and the Department of Corrections.

3. "Vending stand" means:

(a) Such buildings, shelters, counters, shelving, display and wall cases, refrigerating apparatus and other appropriate auxiliary equipment as are necessary or customarily used for the vending of such articles or the provision of such services as may be approved by the Bureau and the department or agency having care, custody and control of the building or property in or on which the vending stand is located;

(b) Manual or coin-operated vending machines or similar devices for vending such articles, operated in a particular building, even though no person is physically present on the premises except to service the machines;

(c) A cafeteria or snack bar for the dispensing of foodstuffs and beverages; or

(d) Portable shelters which can be disassembled and reassembled, and the equipment therein, used for the vending of approved articles, foodstuffs or beverages or the provision of approved services.

(Added to NRS by 1959, 169; A 1961, 330; 1963, 921; 1965, 772; 1967, 1163; 1969, 1448; 1973, 73, 1392, 1495; 1981, 1918; 1985, 2313; 1987, 1741; 1993, 401; 2001 Special Session, 239)

**NRS 426.640 Operation of vending stand on public property and property of State Park System by blind person:**

**Purposes; license.** For the purposes of providing blind persons with remunerative employment, enlarging the economic opportunities of blind persons and stimulating blind persons to greater efforts to make themselves self-supporting with independent livelihoods, blind persons licensed under the provisions of NRS 426.630 to 426.720, inclusive, by the Bureau:

1. Have priority of right to operate vending stands in or on any public buildings or properties where the locations are determined to be suitable, pursuant to the procedure provided in NRS 426.630 to 426.720, inclusive.

2. May operate vending stands in or on buildings or properties of the Nevada State Park System, with the approval of the Administrator of the Division of State Parks, on a parity with any other vendor.

(Added to NRS by 1959, 169; A 1963, 922; 1965, 773; 1973, 73, 1393; 1985, 2313)

**NRS 426.650 Notice to Bureau by public agency of location of and license, permit and lease for any vending stand.**

Each head of the department or agency in charge of the maintenance of public buildings or properties shall:

1. Not later than July 1, 1959, notify the Bureau in writing of any and all existing locations where vending stands are in operation or where vending stands might properly and satisfactorily be operated.

2. Not less than 30 days prior to the reactivation, leasing, re-leasing, licensing or issuance of permit for operation of any vending stand, inform the Bureau of such contemplated action.

3. Inform the Bureau of any locations where such vending stands are planned or might properly and satisfactorily be operated in or about other public buildings or properties as may now or thereafter come under the jurisdiction of the department or agency for maintenance, such information to be given not less than 30 days prior to leasing, re-leasing, licensing or issuance of permit for operation of any vending stand in such public building or on such property.

(Added to NRS by 1959, 170; A 1963, 922; 1965, 773; 1973, 1393)

**NRS 426.660 Acquisition, construction, remodeling or improvement of public building: Planning for vending stand.** To effectuate further the purposes of NRS 426.630 to 426.720, inclusive, when new construction, remodeling, leasing, acquisition or improvement of public buildings or properties is authorized, consideration must be given to planning and making available suitable space and facilities for vending stands to be operated by blind persons. Written notice must be given to the Bureau by the person or agency having charge of the planning and design of any such project:

1. At least once each year in the case of projects proposed for a municipal airport or air navigation facilities owned or operated under the provisions of chapter 496 of NRS or an airport owned or operated by the Reno-Tahoe Airport Authority.

2. Within 30 days after the commencement of the planning and design of the project for all other projects.

(Added to NRS by 1959, 170; A 1973, 73, 1393; 1989, 1596)

**NRS 426.665 Construction of building by Bureau; approval of Legislature.** If a suitable location is available for a vending stand which requires the construction of a permanent building, the Bureau may construct such building, but only after obtaining approval of the Legislature.

(Added to NRS by 1961, 330; A 1965, 773; 1973, 1393)

**NRS 426.670 Surveys by Bureau; establishment and licensing of vending stand; training; contracts; regulations.**

1. The Bureau shall:

(a) Make surveys of public buildings or properties to determine their suitability as locations for vending stands to be operated by blind persons and advise the heads of departments or agencies charged with the maintenance of the buildings or properties of its findings.

(b) With the consent of the respective heads of departments or agencies charged with the maintenance of the buildings or properties, establish vending stands in those locations which the Bureau has determined to be suitable. The Bureau may enter into leases or licensing agreements therefor.

(c) Select, train, license and assign qualified blind persons to manage or operate vending stands or do both.

(d) Except as otherwise provided in this paragraph, execute contracts or agreements with blind persons to manage or operate vending stands or do both. The agreements may concern finances, management, operation and other matters concerning the stands. The Bureau shall not execute a contract or agreement which obligates the Bureau, under any

circumstances, to make payments on a loan to a blind person.

(e) When the Bureau deems such action appropriate, impose and collect license fees for the privilege of operating vending stands.

(f) Establish and effectuate such regulations as it may deem necessary to assure the proper and satisfactory operation of vending stands. The regulations must provide a method for setting aside money from the revenues of vending stands and provide for the payment and collection thereof.

2. The Bureau may enter into contracts with vendors for the establishment and operation of vending stands. These contracts must include provisions for the payment of commissions to the Bureau based on revenues from the vending stands. The Bureau may assign the commissions to licensed operators for the maintenance of their incomes.

3. The Bureau may, by regulation, provide:

(a) Methods for recovering the cost of establishing vending stands.

(b) Penalties for failing to file reports or make payments required by NRS 426.630 to 426.720, inclusive, or a regulation adopted pursuant to those sections when they are due.

(Added to NRS by 1959, 170; A 1961, 331; 1963, 923; 1965, 774; 1973, 74, 1394; 1975, 199; 1983, 298; 1993, 103)

#### **NRS 426.675 Business Enterprise Account for the Blind.**

1. The Business Enterprise Account for the Blind is hereby created within the State General Fund and must be managed by the Administrator of the Division.

2. Money received by the Bureau under the provisions of NRS 426.670, except commissions assigned to licensed vending stand operators, must:

(a) Be deposited in the Business Enterprise Account for the Blind.

(b) Except as otherwise provided in subsection 4, remain in the Account and not revert to the State General Fund.

(c) Be used for:

(1) Purchasing, maintaining or replacing vending stands or the equipment therein;

(2) Maintaining a stock of equipment, parts, accessories and merchandise used or planned for use in the Vending Stand Program; and

(3) Other purposes, consistent with NRS 426.640, as may be provided by regulation.

3. Purchases made pursuant to paragraph (c) of subsection 2 are exempt from the provisions of the State Purchasing Act at the discretion of the Chief of the Purchasing Division of the Department of Administration or his designated representative, but the Bureau shall:

(a) Maintain current inventory records of all equipment, parts, accessories and merchandise charged to the Business Enterprise Account for the Blind;

(b) Conduct a periodic physical count of all such equipment, parts, accessories and merchandise; and

(c) Reconcile the results of the periodic physical count with the inventory records and cash balance in the Account.

4. If the Business Enterprise Account for the Blind is dissolved, any money remaining therein reverts to the State General Fund.

5. Money from any source which may lawfully be used for the Vending Stand Program may be transferred or deposited by the Bureau to the Business Enterprise Account for the Blind.

6. The interest and income earned on the money in the Business Enterprise Account for the Blind, after deducting any applicable charges, must be credited to the Account.

(Added to NRS by 1961, 330; A 1963, 923; 1965, 774; 1973, 74, 1394; 1975, 199; 1977, 44; 1983, 1585; 1989, 1471; 1993, 1618; 2005, 115)

#### **NRS 426.677 Management of money received from vending facility when operator unavailable or temporarily unable to conduct business.**

1. The Bureau may, in interim periods when no blind licensee is available to operate a vending facility and its continuous operation is required, establish a checking account in a depository bank or credit union qualified to receive deposits of public money pursuant to chapter 356 of NRS. All money received from the vending facility during the interim period must be deposited to the account and all expenses necessary to maintain the interim operation of the facility must be paid from the account.

2. If the blind licensee who operated the facility returns after a temporary disability, the Bureau shall prepare a financial report and close the checking account by making a check in the amount of any balance remaining in the account payable to the licensee.

3. If a blind licensee other than the one who previously operated the facility is permanently assigned to it, the Bureau shall prepare a financial report and close the checking account by making a check in the amount of any balance remaining in the account payable to the Business Enterprise Account for the Blind.

(Added to NRS by 1979, 330; A 1989, 1472; 1999, 1495)

#### **NRS 426.680 Review of recommendation of Bureau if agency rejects establishment of vending stand.**

1. If, after a vending stand survey as authorized by NRS 426.670, the head of a department or agency in charge of the maintenance of any public building or property rejects or does not act upon a written recommendation of the Bureau that a vending stand be established or operated for the employment of blind persons, the matter must be referred to the Director of the Department of Employment, Training and Rehabilitation for review.

2. After reviewing the recommendation of the Bureau, the Director may refer the matter to the head of the department or agency concerned for further review and disposition.

3. If the Director is not satisfied with the decision of the head of the department or agency concerned, the Director may refer the matter for final decision and disposition to:

(a) The Governor, in the case of state buildings or properties.

(b) The board of county commissioners, in the case of county buildings or properties.

(c) The city council or other governing board of the municipality in the case of municipal buildings or properties.

(d) The governing board of the political subdivision in the case of buildings or properties of other political subdivisions of this state.

(Added to NRS by 1959, 170; A 1963, 923; 1965, 774; 1967, 1164; 1973, 1395; 1993, 1618)

**NRS 426.685 Establishment of vending stand in privately owned building.** The Bureau may establish vending stands in privately owned buildings, if the building owner in each instance consents and enters into an agreement approved by the Bureau.

(Added to NRS by 1973, 72; A 1973, 1406)

**NRS 426.690 Limitation on commodities and articles sold at vending stand.** Vending stands operated under the provisions of NRS 426.630 to 426.720, inclusive, shall be used solely for the vending of such commodities and articles as may be approved by the Bureau and by the head of the department or agency in charge of the maintenance of the building or property in or on which such stand is operated.

(Added to NRS by 1959, 171; A 1963, 924; 1965, 775; 1973, 1395)

**NRS 426.695 Operator of vending stand may keep service animal on premises.** Blind persons who operate a vending stand pursuant to the provisions of NRS 426.630 to 426.720, inclusive, may keep a service animal with them at all times on the premises where that vending stand is located.

(Added to NRS by 1973, 1496; A 1995, 1993; 2005, 628)

**NRS 426.700 Applicability of laws and ordinances to operator of vending stand.** The operator of each vending stand operated under the provisions of NRS 426.630 to 426.720, inclusive, shall be subject to:

1. The provisions of any and all laws and ordinances applying within the territory within which such stand is located, including those requiring a license or permit for the conduct of such business or any particular aspect thereof.

2. The provisions of chapter 446 of NRS.

(Added to NRS by 1959, 171; A 1961, 331)

**NRS 426.710 Management and operation of Vending Stand Program for the Blind by nonprofit corporation or agency as trustee; reimbursement by operators of vending stands.** The Bureau may, in its discretion, utilize appropriate nonprofit corporations organized under the laws of this State, or other agencies, as trustees to provide day-to-day management and operation services for the Vending Stand Program for the Blind. Such corporations or agencies must be reimbursed for their actual and necessary expenses by the operators of the vending stand units which compose the Vending Stand Program for the Blind in accordance with such rules and regulations as may be adopted by the Bureau and approved by the Department.

(Added to NRS by 1959, 171; A 1963, 924; 1965, 775; 1967, 1164; 1973, 1395; 1993, 1619)

**NRS 426.715 Penalty for unlawful sale, solicitation or delivery of certain commodities on public property; exemptions.** Any person who sells, solicits orders for or delivers, in any public building or on any public land, any commodity which a blind vendor is authorized by the Bureau to sell is guilty of a misdemeanor except:

1. A person licensed by or under contract to the Bureau;

2. A person who delivers a commodity to a blind vendor or for his account;

3. A person who is raising money for the charitable activities of a corporation organized for educational, religious, scientific, charitable or eleemosynary purposes under the provisions of chapter 82 of NRS;

4. Public employees jointly sharing in the cost of coffee or other beverages purchased by them for their own use, if there is no commercial arrangement for the delivery of products and supplies to the building or land;

5. A person who is catering an event inside or otherwise delivering food or beverages to the Legislative Building; or

6. A person who is authorized to conduct such an activity under the terms of a contract, lease or other arrangement with a municipality pursuant to NRS 496.090.

(Added to NRS by 1985, 890; A 1987, 768; 1991, 1316; 2003, 2095)

**NRS 426.720 Applicability of provisions to operators of vending stands.**

1. Persons operating vending stands in public buildings or on public properties as defined in NRS 426.630 prior to March 13, 1959, shall not be affected by the provisions of NRS 426.630 to 426.720, inclusive, except and only insofar as provided by subsection 2 of NRS 426.650.

2. Any blind person who is presently operating a vending stand in or on public buildings or properties who desires to avail himself of the advantages of the Program authorized by NRS 426.630 to 426.720, inclusive, shall have the right to do so; and, in such instance, the Bureau may negotiate and consummate arrangements for the purchase of such vending stand equipment as it may deem necessary for the satisfactory operation of the vending stand.

(Added to NRS by 1959, 171; A 1963, 924; 1965, 775; 1973, 1395)

## PERSONAL ASSISTANCE FOR PERSONS WITH SEVERE FUNCTIONAL DISABILITIES

**NRS 426.721 Definitions.** As used in NRS 426.721 to 426.731, inclusive, unless the context otherwise requires, the words and terms defined in NRS 426.722 to 426.727, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 2001, 3106)

**NRS 426.722 "Advisory Committee" defined.** "Advisory Committee" means the Advisory Committee on Personal Assistance for Persons with Severe Functional Disabilities created pursuant to NRS 426.731.

(Added to NRS by 2001, 3106)

**NRS 426.723 "Minimum essential personal assistance" defined.** "Minimum essential personal assistance" means the assistance of a person with a severe functional disability for 6 hours or less per day in:

1. Eating;
  2. Bathing;
  3. Toileting;
  4. Dressing;
  5. Moving about; and
  6. Taking care of himself.
- (Added to NRS by 2001, 3106)

**NRS 426.724 "Reasonably adequate state funding" defined.** "Reasonably adequate state funding" means the amount of state funding that can reasonably be accommodated within state budgetary limitations, as determined by the Governor and the Legislature for each biennial session of the Legislature.

(Added to NRS by 2001, 3106)

**NRS 426.725 "Recipient" defined.** "Recipient" means a recipient of minimum essential personal assistance through a state personal assistance program.

(Added to NRS by 2001, 3106)

**NRS 426.726 "Severe functional disability" defined.** "Severe functional disability" means any physical or mental condition pursuant to which a person is unable, without substantial assistance from another person, to eat, bathe and toilet.

(Added to NRS by 2001, 3106)

**NRS 426.727 "State personal assistance program" defined.** "State personal assistance program" means a program established pursuant to NRS 422.396, 426.275 or 427A.250.

(Added to NRS by 2001, 3106; A 2003, 2631)

**NRS 426.728 State personal assistance programs required to make services available.**

1. Each state personal assistance program must make available, within a reasonable period after receiving a request therefor and in accordance with any conditions upon the receipt of federal funding and considering the amount of reasonably adequate state funding, community-based services to provide minimum essential personal assistance to residents of this state with severe functional disabilities who would, with the provision of that assistance, be able to live safely and independently in their communities outside of an institutional setting.

2. The provisions of NRS 426.721 to 426.731, inclusive, must not be construed to:

(a) Prevent a person with a severe functional disability from receiving more than 6 hours of minimum essential personal assistance per day from a state personal assistance program if such assistance is available pursuant to the program; or

(b) Prevent a person with a disability other than a severe functional disability from receiving services from a state personal assistance program if such assistance is available pursuant to the program.

(Added to NRS by 2001, 3106)

**NRS 426.729 Duties of Director of Department of Health and Human Services.** The Director of the Department of Health and Human Services, in consultation with the Advisory Committee, shall:

1. Determine the amount of state funding necessary each biennium to carry out NRS 426.728.

2. Ensure that the amount of funding determined to be necessary pursuant to subsection 1 is included in the budgetary request of the appropriate department or agency for the biennium, and that the budgetary request includes funding for any increase in the number of cases handled by the state personal assistance programs.

3. Establish a program to govern the services provided to carry out NRS 426.728, within the limitations of any conditions upon the receipt of state or federal funding, including:

(a) Minimum standards for the provision of minimum essential personal assistance, including, to the extent authorized by state and federal law, the provision of services in accordance with NRS 629.091;

(b) Minimum qualifications and training requirements for providers of minimum essential personal assistance;

(c) Standards for the financial operation of providers of minimum essential personal assistance;

(d) The development of an individual service plan for the provision of minimum essential personal assistance to each recipient;

(e) Procedures to appeal the denial or modification of an individual service plan for the provision of minimum essential personal assistance and to resolve any disputes regarding the contents of such a plan;

(f) Continuous monitoring of the adequacy and effectiveness of the provision of minimum essential personal assistance to each recipient;

(g) Mandatory requirements and procedures for reporting the abuse, neglect or exploitation of a recipient;

(h) The receipt of meaningful input from recipients, including surveys of recipients, regarding the extent to which recipients are receiving the services described in their individual service plans and their satisfaction with those services; and

(i) Continuing procedures for soliciting public input regarding the development, implementation and review of the program.

4. Review and modify the program established pursuant to subsection 3 as appropriate to provide recipients with as much independence and control over the provision of minimum essential personal assistance as is feasible.

5. Submit to each regular session of the Legislature and make available to members of the public any recommendations for legislation to carry out NRS 426.728 and to carry out or improve the program established pursuant to subsection 3.

6. Submit to each regular session of the Legislature a report regarding the expenditure of any money received to carry out NRS 426.721 to 426.731, inclusive, that must include information regarding:

(a) The fiscal and other effects of services provided to carry out NRS 426.728;



- (b) The results of the program established pursuant to subsection 3; and  
(c) The percentage change in the number of residents of this State with severe functional disabilities who are able to avoid or leave institutional care as a result of the receipt of minimum essential personal assistance through community-based services.

(Added to NRS by 2001, 3107; A 2003, 2631)

**NRS 426.731 Advisory Committee: Creation; membership; terms and compensation of members; quorum; duties.**

1. The Advisory Committee on Personal Assistance for Persons with Severe Functional Disabilities is hereby created in the Department of Health and Human Services.

2. The Governor shall:

(a) Solicit recommendations for the appointment of members to the Advisory Committee from organizations that are representative of a broad range of persons with disabilities and organizations interested in the provision of personal services to persons with functional disabilities.

(b) Appoint to the Advisory Committee such members as he deems appropriate to represent a broad range of persons with disabilities from diverse backgrounds, including, without limitation, one or more persons who are representative of:

(1) The Nevada Commission on Aging and seniors with disabilities.

(2) The Statewide Independent Living Council established in this State pursuant to 29 U.S.C. § 796d.

(3) The State Council on Developmental Disabilities established in this State pursuant to section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

(4) Centers for independent living established in this State.

(5) Providers of personal services to persons with disabilities, including providers who receive state funding for that purpose.

(6) Persons with disabilities who receive personal assistance services.

3. The majority of the members of the Advisory Committee must be persons with disabilities.

4. After the initial term, the term of each member is 2 years.

5. Members of the Advisory Committee serve without compensation, except that each member is entitled, while engaged in the business of the Advisory Committee, to the per diem allowance and travel expenses provided for state employees generally.

6. A majority of the members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Committee.

7. The Advisory Committee shall:

(a) At its first meeting and annually thereafter, elect a Chairman from among its members.

(b) Meet at the call of the Director of the Department of Health and Human Services, the Chairman or a majority of its members quarterly or as is necessary, within the budget of the Advisory Committee, to provide the Director of the Department of Health and Human Services with appropriate assistance to carry out the provisions of NRS 426.728.

(Added to NRS by 2001, 3108; A 2003, 2632)

## MISCELLANEOUS PROVISIONS

**NRS 426.740 Refueling of vehicle for driver with physical disability; charging greater price for fuel prohibited; exception; penalty.**

1. Every person who operates a service station or retail store which sells fuel for motor vehicles to the public shall, upon request, refuel a vehicle for a driver with a physical disability.

2. The price of the fuel charged to such a driver must not be greater than the price which would be charged to any other person for the fuel if that person had personally refueled his vehicle.

3. This section does not apply to a service station or a retail store which sells fuel if the service station or retail store does not provide a person to refuel the motor vehicles of its customers.

4. A person who violates any provision of this section is guilty of a misdemeanor.

(Added to NRS by 1987, 545; A 2003, 2633)

## PENALTIES

**NRS 426.790 Unlawfully interfering with or allowing dog or other animal to interfere with use of service animal or service animal in training; unlawfully beating or killing service animal or service animal in training; penalties.**

1. A person shall not:

(a) Without legal justification, interfere with, or allow a dog or other animal he owns, harbors or controls to interfere with, the use of a service animal or service animal in training by obstructing, intimidating or otherwise jeopardizing the safety of the service animal or service animal in training or the person using the service animal or service animal in training.

(b) Willfully and maliciously beat a service animal or service animal in training.

(c) Willfully and maliciously kill a service animal or service animal in training.

2. Unless a greater penalty is provided in NRS 206.150, a person who violates:

(a) Paragraph (a) of subsection 1 is guilty of a gross misdemeanor.

(b) Paragraph (b) of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

(c) Paragraph (c) of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. A person who violates paragraph (a), (b) or (c) of subsection 1 is, in addition to any criminal penalty that may be imposed, civilly liable to the person against whom the violation was committed as provided in NRS 426.820.

4. In addition to any other penalty, the court shall order a person convicted of a violation of paragraph (a), (b) or (c) of subsection 1 to pay restitution to the person who has the disability or the person who has custody or ownership of the service animal or service animal in training for any veterinary bills, and for the replacement cost of the service animal or service animal in training if it was killed or disabled or has become mentally or physically unable to perform its duties. The